

## HOUSE BILL NO. 157

INTRODUCED BY C. HUNTER, AUGARE, P. BECK, BECKER, BELCOURT, BERGREN, CAFERRO,  
CAMPBELL, COONEY, ERICKSON, FRENCH, GILLAN, HENRY, HOLLENBAUGH, KOTTEL, LARSEN,  
LASLOVICH, MCCHESENEY, PHILLIPS, ROBERTS, ROUNDSTONE, SANDS, SCHMIDT, VAN DYK, VILLA,  
WANZENRIED, WILLIAMS, WILMER, WISEMAN

BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE HEALTHY MONTANA KIDS PLAN  
ACT; PROVIDING FOR EXTENDED RULEMAKING AUTHORITY; DELAYING IMPLEMENTATION OF THE ACT  
SUBJECT TO FEDERAL FUNDING; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 53-4-1105  
AND 53-4-1109, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 53-4-1105, MCA, is amended to read:

**"53-4-1105. Rulemaking -- active enrollment -- plan coordination.** (1) The department shall adopt  
rules necessary to implement this part, including plan administration, plan enrollment, outreach efforts, and  
standards of performance to allow enrollment partners to assist in enrolling children in the plan or other health  
coverage plans administered by the department.

(2) The rules must:

- (a) establish a process for identifying and approving enrollment partners;
- (b) create and define an active enrollment process;
- (c) promote seamless movement between programs described in 53-4-1104(2);
- (d) promote accessible enrollment through enrollment partners;
- (e) provide, to the extent permitted by law, a single point of access in the department for plan members;
- (f) define income for purposes of determining eligibility for children's health coverage programs within  
the plan;
- (g) provide for presumptive eligibility, including limitations on the number of requests that may be made  
by an applicant; and
- (h) encourage enrollment partners to actively enroll as many eligible, uninsured children as possible in

the plan or in an employer-sponsored plan as described in 53-4-1108.

(3) The rules may include the development of enrollment partner training, technical assistance programs, and performance measures.

(4) The rules may provide for an exemption from the active enrollment process based upon an individual showing of:

(a) religious conviction;

(b) private insurance that offers creditable coverage, as defined in 42 U.S.C. 300gg(c), obtained by the parents for the child from a private group or individual health insurance issuer or under a self-funded employer health plan; or

(C) PARENTAL PREFERENCE; OR

~~(e)(D)~~ other compelling circumstances.

(5) The rules governing eligibility and premium assistance must be consistent with this part. Rules may include but are not limited to financial standards and criteria for income, nonfinancial criteria, family responsibility, residency, the application process, termination of eligibility, definition of terms, and confidentiality of applicant and recipient information.

(6) The rules ~~may~~ SHALL provide for hardship exemptions to the 3-month waiting period provided in 53-4-1004(1)(c)."

**Section 2.** Section 53-4-1109, MCA, is amended to read:

**"53-4-1109. Federal financial participation.** (1) The department shall request any necessary state plan amendments or waivers of federal requirements in order to allow receipt of the maximum available federal funds to facilitate implementation of this part, subject to appropriation of necessary matching state funds.

(2) Implementation of this part is subject to approval by the federal government of any state plan amendments necessary for the receipt of federal funding."

NEW SECTION. **Section 3. Appropriation.** There is appropriated ~~\$1,307,660~~ \$900,989 from the state special revenue fund established in 53-4-1115 and ~~\$3,103,944~~ \$1,702,418 in federal funds to the department of public health and human services for fiscal year 2009.

NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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